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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

MICHAEL DUANE SENTER,

O R D E R
Civ. No. 01-1814-TC

Petitioner,

vs.

STAN CZERNIAK, Superintendent,
Oregon State Penitentiary,

Respondent.

AIKEN, Chief Judge:

Magistrate Judge Coffin filed his Findings and Recommendation on March 8, 2011. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). When a party objects to any portion of the Magistrate's Findings and Recommendation, the district court must make a de novo determination of that portion of the Magistrate's report. 28 U.S.C. § 636(b)(1)(B); McDonnell Douglas Corp. v. Commodore

Business Machines, 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982).

Petitioner has timely filed objections. I have, therefore, given the file of this case a de novo review. I adopt the Magistrate's Findings and Recommendation (doc. 74) that petitioner's petition for writ of habeas corpus is denied. Further, because petitioner has failed to make a substantial showing of the denial of a constitutional right, a certificate of appealability is also denied. 28 U.S.C. § 2253(c)(2).

IT IS SO ORDERED.

Dated this 3 day of May 2011.


Ann Aiken
United States District Judge